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Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons

Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons

Note by the Secretary-General

1. On 22 May 1997, at its fifty-first session, the General Assembly adopted resolution 51/230, in paragraph 1 of which it invited the Secretary-General to take steps to conclude with the Director-General of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) an agreement between the United Nations and OPCW to regulate the relationship between the two organizations, to be applied provisionally upon signature, pending the completion of procedures necessary for its entry into force, and to present the negotiated draft relationship agreement to the General Assembly for its approval.

2. Following the completion of the negotiation and the approval on 1 September 2000 of the draft agreement by the Executive Council of OPCW, on 17 October 2000, the Deputy Secretary-General of the United Nations and the Director-General of OPCW signed the Agreement concerning the Relationship between the United Nations and OPCW, which since that date has been applied provisionally in accordance with resolution 51/230.

3. On 19 May 2001, I was informed by the Director-General of OPCW that on 17 May 2001, at its sixth session, the Conference of the States Parties to the Chemical Weapons Convention had approved the Agreement concerning the Relationship between the United Nations and OPCW and requested the Director-General of OPCW to send written notification to the United Nations that the internal requirements of OPCW for entry into force of the Agreement had been met.

4. Pursuant to paragraph 1 of General Assembly resolution 51/230, I herewith submit to the General Assembly for its approval the text of the Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons (see annex).

Annex

Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons

The United Nations and the Organization for the Prohibition of Chemical Weapons,

Bearing in mind the relevant provisions of the Charter of the United Nations (hereinafter the "Charter") and of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter the "Convention"),

Bearing in mind that, in accordance with the Charter, the United Nations is the principal organization dealing with matters relating to the maintenance of international peace and security, and acts as a centre for harmonizing the actions of nations in the attainment of the goals set out in the Charter,

Considering that the Organization for the Prohibition of Chemical Weapons (hereinafter "OPCW") shares the purposes and principles of the Charter, and that its activities performed pursuant to the provisions of the Convention contribute to the realization of the purposes and principles of the Charter,

Desiring to make provision for a mutually beneficial relationship, to avoid unnecessary duplication of their activities and services, to facilitate the discharge of the respective responsibilities of both organizations,

Noting General Assembly resolution 51/230 of 22 May 1997 and the relevant decision of the Conference of the States Parties at its fourth session (C-IV/DEC.4, dated 2 July 1999), calling for the conclusion of a relationship agreement between the United Nations and OPCW,

Have agreed as follows:

Article I
General

1. The United Nations recognizes OPCW as the organization, in relationship to the United Nations as specified in this Agreement, responsible for activities to achieve the comprehensive prohibition of chemical weapons in accordance with the Convention.

2. The United Nations recognizes that OPCW, by virtue of the Convention, shall function as an independent, autonomous international organization in the working relationship with the United Nations established by this Agreement.

3. OPCW recognizes the responsibilities of the United Nations, in accordance with its Charter, in particular in the fields of international peace and security and economic, social, cultural and humanitarian development, protection and preservation of the environment and peaceful settlement of disputes.

4. OPCW undertakes to conduct its activities in accordance with the purposes and principles of the Charter to promote peace, disarmament and international cooperation and with due regard to the policies of the United Nations furthering safeguarded worldwide disarmament.

Article II
Cooperation

1. The Untied Nations and OPCW, recognizing the need to work jointly to achieve mutual objectives, and with a view to facilitating the effective exercise of their responsibilities, agree to cooperate closely within their respective mandates and to consult on matters of mutual interest and concern. To that end, the United Nations and OPCW shall cooperate with each other in accordance with the provisions of their respective constituent instruments.

2. Cooperation between the United Nations and OPCW, in particular, shall require that:

(a) Cases of particular gravity and urgency which, in accordance with paragraph 36 of article VIII of the Convention, shall, including relevant information and conclusions, be brought directly to the attention of the General Assembly and the Security Council by the Executive Council, through the Secretary-General, in accordance with the existing United Nations procedures;

(b) Cases of particular gravity which, in accordance with paragraph 4 of article XII of the

conclusions, be brought to the attention of the General Assembly and the Security Council by the Conference of the States Parties through the Secretary-General in accordance with the existing United Nations procedures;

(c) OPCW shall, in accordance with paragraph 27 of Part XI of the Verification Annex, closely cooperate with the Secretary-General in cases of the alleged use of chemical weapons involving a State not party to the Convention or in a territory not controlled by a State Party to the Convention and, if so requested, shall in such cases place its resources at the disposal of the Secretary-General;

(d) OPCW and the United Nations shall, in accordance with their respective mandates, explore possibilities for cooperation in the provision of assistance to States concerned in cases of the use or serious threat of use of chemical weapons, as provided for in paragraph 10 of article X of the Convention;

(e) OPCW and the United Nations shall, insofar as covered by their respective mandates, in the context of economic and technological development in their Member States, cooperate to foster international cooperation for peaceful purposes in the field of chemical activities and facilitating the exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention; and

(f) The United Nations and OPCW shall cooperate on any matter that may relate to the object and purpose of the Convention, or which may arise in connection with its implementation.

3. OPCW, within its competence and in accordance with the provisions of the Convention, shall cooperate with the General Assembly and the Security Council by furnishing them, at the request of either, such information and assistance as may be required in the exercise of their respective responsibilities under the Charter of the United Nations.

4. The United Nations and OPCW shall cooperate in the field of public information and shall arrange, upon request, for the exchange of information, publications and reports of mutual interest and for the furnishing of special reports and studies and information.

5. The Secretariat of the United Nations and the working relationship in accordance with such arrangements as may be agreed between the Secretary-General and the Director-General.

Article III
Coordination

The United Nations and OPCW recognize the necessity of achieving, where applicable, effective coordination of the activities and services of OPCW and of the United Nations, and of avoiding unnecessary duplication of their activities and services.

Article IV
Reporting

1. The Director-General will keep the United Nations informed of the routine activities of OPCW, and will report on a regular basis, as appropriate and as duly mandated by the Executive Council, through the Secretary-General to the General Assembly and the Security Council.

2. If the Executive Council takes a decision to provide, pursuant to article X of the Convention, supplementary assistance to a State Party to the Convention requesting such assistance in connection with the use or threat of use of chemical weapons, the Director-General (representing OPCW, as specified in this Agreement) shall transmit to the Secretary-General (representing the United Nations, as specified in this Agreement) the above-mentioned decision of the Executive Council, together with the investigation report prepared by the Technical Secretariat in connection with the request for such assistance.

3. Whenever decisions are taken by the Conference of the States Parties, pursuant to article XII of the Convention, on measures, including collective measures recommended to States Parties, to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention, the Director-General, upon instructions from the Conference, shall inform the General Assembly and the Security Council accordingly, through the Secretary-General.

4. Should the Secretary-General report to the United Nations on the common activities of the United Nations and OPCW or on the development of relations between them, any such report shall be promptly transmitted by

5. Should the Director-General report to OPCW on the common activities of OPCW and the United Nations or on the development of relations between them, any such report shall be promptly transmitted by the Director-General to the United Nations.

Article V
Reciprocal representation

1. The Secretary-General shall be entitled to attend and to participate in relation to matters of common interest, without vote and in accordance with the relevant rules of procedure, in sessions of the Conference of the States Parties and in sessions of the Executive Council of OPCW. The Secretary-General shall also be invited as appropriate to attend and to participate without vote in such other meetings as OPCW may convene at which matters of interest to the United Nations are under consideration. The Secretary-General may, for the purposes of this paragraph, designate any person as his/her representative.

2. The Director-General shall be entitled to attend plenary meetings of the General Assembly of the United Nations for the purpose of consultations. The Director-General shall be entitled to attend and to participate without vote in the meetings of the Committees of the General Assembly, and in meetings of the Economic and Social Council and, as appropriate, of any subsidiary organs of these bodies and the General Assembly. The Director-General may, at the invitation of the Security Council, attend its meetings to supply the Council, as duly mandated by the Executive Council, with information or give other assistance with regard to matters within the competence of OPCW. The Director-General may, for the purposes of this paragraph, designate any person as his/her representative.

3. Written statements presented by the United Nations to OPCW for distribution shall be distributed by the Technical Secretariat of OPCW to all members of the appropriate organ(s) or subsidiary organ(s) of OPCW. Written statements presented by OPCW to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ(s) or subsidiary organ(s) of the United Nations.

Article VI
Agenda items

1. The United Nations may propose agenda items for consideration by OPCW. In such cases, the Untied Nations shall notify the Director-General of the agenda item or items concerned, and the Director-General shall, in accordance with his/her authority and the relevant rules of procedure, bring any such agenda item or items to the attention of the Conference of the States Parties, the Executive Council or such other organ(s) of OPCW as may be appropriate.

2. OPCW may propose agenda items for consideration by the United Nations. In such cases, OPCW shall notify the Secretary-General of the agenda item or items concerned, and the Secretary-General shall, in accordance with his/her authority, bring any such item or items to the attention of the General Assembly, the Security Council, the Economic and Social Council or such other organ(s) of the United Nations as may be appropriate.

Article VII
International Court of Justice

1. The United Nations takes note of article XIV, paragraph 5, of the Convention, which empowers the Conference of the States Parties or the Executive Council of OPCW, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question(s) arising from within the scope of activities of OPCW, apart from any question(s) concerning the mutual relationship between OPCW and the United Nations.

2. The United Nations and OPCW agree that each such request for an advisory opinion shall first be submitted to the General Assembly, which will decide upon the request in accordance with Article 96 of the Charter.

3. When seeking an advisory opinion as referred to in paragraph 1 of this article, OPCW agrees to furnish, in accordance with the Confidentiality Annex to the Convention and the OPCW Policy on Confidentiality, any such information as may be required by the International Court of Justice in accordance with the Statute of the International Court of Justice.

Article VIII
Resolutions of the United Nations

The Secretary-General shall transmit to the Director-General resolutions of the General Assembly or the Security Council pertaining to issues relevant to the Convention. Upon receipt thereof, the Director-General will bring the resolutions concerned to the attention of the relevant organs of OPCW and will report back to the Secretary-General on any action taken by OPCW, as appropriate.

Article IX
United Nations laissez-passer

Officials of OPCW shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General and the Director-General, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized by States Parties in the applicable instruments defining the privileges and immunities of OPCW and its officials. The administrative arrangements will take into account, to the extent possible, the special requirements of OPCW arising from its verification activities under the Convention.

Article X
Personnel arrangements

1. The United Nations and OPCW agree to consult whenever necessary concerning matters of common interest relating to the terms and conditions of employment of staff.

2. The United Nations and OPCW agree to cooperate regarding the exchange of personnel, bearing in mind the nationality of States members of OPCW, and to determine conditions of such cooperation in supplementary arrangements to be concluded for that purpose in accordance with article XIV of this Agreement.

Article XI
Budgetary and financial matters

1. OPCW recognizes the desirability of establishing budgetary and financial cooperation with the United Nations in order that OPCW may benefit from the experience of the United Nations in this field and in order to ensure, as far as may be practicable, the consistency of the administrative operations of the two

2. The United Nations may arrange for studies to be undertaken concerning budgetary and financial matters of interest to OPCW with a view to, as far as may be practicable, achieving coordination and securing consistency in such matters.

3. OPCW agrees to follow, as far as may be practicable, the standard budgetary and financial practices and forms used by the United Nations.

Article XII
Expenses

Expenses resulting from any cooperation or provision of services pursuant to this Agreement shall be subject to separate arrangements between OPCW and the United Nations.

Article XIII
Protection of confidentiality

1. Subject to paragraphs 1 and 3 of article II, nothing in this Agreement shall be so construed as to require either the United Nations or OPCW to furnish any material, data and information whose disclosure could in its judgement require it to violate its obligation, under its constituent instrument or policy on confidentiality, to protect such information.

2. The United Nations and OPCW shall ensure the appropriate protection, in accordance with their constituent instruments and policies on confidentiality, in respect to such information.

Article XIV
Implementation of the Agreement

The Secretary-General and the Director-General may enter into such supplementary arrangements and develop such practical measures for the implementation of this Agreement as may be found desirable.

Article XV
Amendments

This Agreement may be amended by mutual consent between the United Nations and OPCW. Any such amendment, once agreed upon, shall enter into force on the date on which the United Nations and OPCW have exchanged written notifications that their internal requirements for entry into force have been met.

Article XVI
Entry into force

1. This Agreement shall enter into force on the date on which the United Nations and OPCW have exchanged written notifications that their internal requirements for entry into force have been met.

2. This Agreement shall be applied provisionally by the United Nations and the OPCW upon signature.

IN WITNESS THEREOF the undersigned, being duly authorized representatives of the United Nations and OPCW, have signed the present Agreement.

SIGNED this 17th day of October 2000 at New York in two originals in the English language.

FOR THE UNITED NATIONS

[*Signature*]

Louise **Fréchette**
Deputy Secretary-General

FOR THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

[*Signature*]

José M. **Bustani**
Director-General